

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. \_\_\_\_\_**

**November 21, 2007**

IN RE: Petition of the Office of Regulatory	)	
Staff for Commission to Order a	)	PETITION OF THE OFFICE OF
Rule to Show Cause as to Why	)	REGULATORY STAFF FOR A RULE TO
The Certificates of	)	SHOW CAUSE AS TO WHY
Public Convenience and	)	CERTIFICATES OF PUBLIC
Necessity for Certain Providers of	)	CONVENIENCE AND NECESSITY
Telecommunications Services	)	SHOULD NOT BE REVOKED
Should Not be Revoked	)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2006).

2. The South Carolina Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2006).

3. The Telecommunications Companies ("Telephone Companies") listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of

intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Telecommunications Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (1976 & Supp. 2006). Further, these Telecommunications Companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. The Telecommunications Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2006).

6. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2006).

7. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2006).

8. The Commission USF guidelines approved in Order No. 2001-996, require each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

9. The Telecommunications Companies listed in Exhibit A have failed to file annual USF Reports for the year ending 2006.

10. Pursuant to 26 S.C. Code Regs 103-830.B.1, “if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.” In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of each Telecommunications Company and whether the entity is a foreign or domestic business entity. S.C. Code Ann. §§ 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

11. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Dawn Hipp.

12. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2006).

13. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2006), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties

conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.

2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon such named respondents or other proper person or entity within 14 days of the filing of the petition.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission’s rules and regulations.

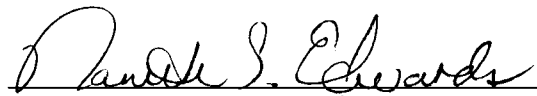
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2006).

5. Pursuant to 26 S.C. Code Regs 103-846.C, take judicial notice of the Commission’s records in that the required USF Reports for the year ending 2006 have not been filed for the Telecommunications Companies listed in Exhibit A.

6. Find that the Telecommunication Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.

7. Enter a final order canceling the Certificates of Public Convenience and Necessity held by the carriers listed in Exhibit A.

8. For other appropriate action which the Commission may deem necessary.



Nanette S. Edwards, Esquire

**South Carolina Office of Regulatory Staff**

1441 Main Street, Suite 300

Columbia, South Carolina 29201

Phone: (803) 737-0575

Fax: (803) 737-0895

Email: [nsedwar@regstaff.sc.gov](mailto:nsedwar@regstaff.sc.gov)

November 21, 2007

Columbia, South Carolina

**Telecommunications Companies That Have Not Filed USF Reports for the Year Ending 2006  
2007-\_\_\_\_-C**

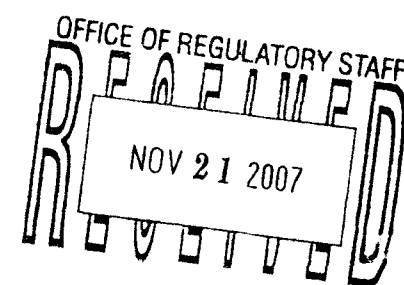
**EXHIBIT A**

#	ORGANIZATION NAME	REGISTERED AGENT	SECRETARY OF STATE STATUS	FOREIGN OR DOMESTIC	DOCKET #	ORDER #	DATE CERTIFICATE ISSUED	Comments
1	CAT Communications International, Inc. dba CCI	Address for Service 3435 Chip Drive Roanoke VA 24012	Dissolved	Foreign	1999-304-C	1999-748	10/25/1999	
2	Cognigen Networks, Inc.	CT Corporation System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Forfeiture	Foreign	2004-241-C	2005-3	1/6/2005	PSC Order 2007-66 Granted Cognigen Networks request to discontinue service to customers.
3	Computer Network Technology Corp.	National Registered Agents Inc. 2 Office Park Ct., Suite 103 Columbia SC 29223	Good Standing	Foreign	2004-28-C	2004-313	10/11/2004	Name change in 2006 to McData Services Corporation according to Sec. of State website.
4	Credit Loans, Inc. dba Lone Star State Telephone Company	CT Corporation System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Good Standing	Foreign	1999-507-C	2000-376	4/25/2000	
5	Dial-Around Telecom, Inc.	TCS Corporate Services, Inc. 2 Office Park Ct., Suite 103 Columbia SC 29223	Good Standing	Foreign	2004-175-C	2004-502	10/15/2004	
6	Fonix Telecom Inc.	Corporation Service Co 5000 Thurmond Mall Blvd. Columbia SC 29201	Good Standing	Foreign	2005-192-C	2005-616	10/24/2005	Declared Chapter 7 Bankruptcy in 2006
7	IDS Telcom Corp.	Corporation Service Co 5000 Thurmond Mall Blvd. Columbia SC 29201	Good Standing	Foreign	2005-26-C	2005-246	5/23/2005	
8	LecStar Telecom, Inc.	CT Corporation System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Forfeiture	Foreign	1999-443-C	2000-187	2/25/2000	Declared Chapter 7 Bankruptcy in 2006
9	Lightyear Network Solutions, LLC	CT Corporation System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Good Standing	Foreign	2003-369-C	2004-550	11/8/2004	
10	Nextlink Wireless, Inc.	Corporation Service Co 5000 Thurmond Mall Blvd. Columbia SC 29201	Good Standing	Foreign	2006-70-C	2006-369	6/9/2006	
11	NOW Communications, Inc.	National Registered Agents Inc. 2 Office Park Ct., Suite 103 Columbia SC 29223	Dissolved	Foreign	2003-193-C	2003-553	10/2/2003	

**Telecommunications Companies That Have Not Filed USF Reports for the Year Ending 2006  
2007-\_\_\_\_-C**

**EXHIBIT A**

#	ORGANIZATION NAME	REGISTERED AGENT	SECRETARY OF STATE STATUS	FOREIGN OR DOMESTIC	DOCKET #	ORDER #	DATE CERTIFICATE ISSUED	Comments
12	Trinsic Communications, Inc.	Agent Resigned	Good Standing	Foreign	1998-303-C	1998-762	10/2/1998	Declared Chapter 11 Bankruptcy in 2007. Assets sold to Matrix Telecom, Inc.



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

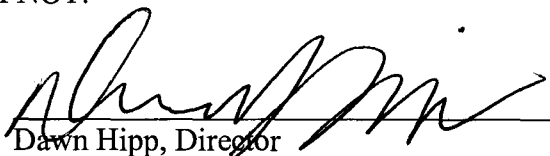
**DOCKET NO. \_\_\_\_\_**

IN RE: Petition of the Office of Regulatory )  
 Staff for Commission to Order a )  
 Rule to Show Cause as to Why the ) **AFFIDAVIT OF DAWN HIPPI**  
 Certificates of Public Convenience )  
 and Necessity for Certain Providers )  
 of Telecommunications Services )  
 Should Not be Revoked )

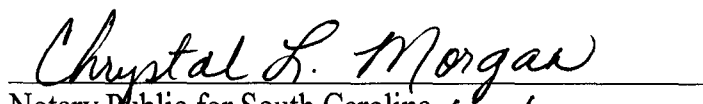
The Affiant, after having been first duly sworn, deposes and states as follows:

1. My name is Dawn Hipp, and I am employed by the South Carolina Office of Regulatory Staff ("ORS") as Director of the Telecommunications, Transportation, Water and Wastewater Division.
2. My office is located at 1441 Main Street, Columbia, South Carolina, 29201.
3. I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this Petition.
4. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.

  
 Dawn Hipp, Director  
 Telecommunications, Transportation,  
 Water and Wastewater Division  
 South Carolina Office of Regulatory Staff  
 1441 Main Street, Suite 300  
 Columbia, South Carolina 29201

Sworn and subscribed before me  
 This 21<sup>st</sup> day of NOVEMBER, 20 07

  
 Notary Public for South Carolina  
 My Commission Expires: 9/22/2014

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. 2007- \_\_\_\_\_ - C**

IN RE:

Petition of the Office of Regulatory Staff for )  
Commission to Order a Rule to Show Cause )  
as to Why The Certificates of Public )  
Convenience and Necessity for Certain )  
Providers of Telecommunications Services )  
Should Not Be Revoked )

CERTIFICATE OF SERVICE

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named in the attached list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown:

CAT Communications  
International, Inc. dba CCI  
3435 Chip Drive  
Roanoke VA 24012

Cognigen Networks, Inc.  
CT Corporation System  
75 Beattie Place  
Two Insignia Financial Plaza  
Greenville SC 29601

Computer Network Technology  
Corp.  
National Registered Agents Inc.  
2 Office Park Ct., Suite 103  
Columbia SC 29223

Credit Loans, Inc. dba Lone Star  
State Telephone Company  
CT Corporation System  
75 Beattie Place  
Two Insignia Financial Plaza  
Greenville SC 29601

Dial-Around Telecom, Inc.  
TCS Corporate Services, Inc.  
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Fonix Telecom, Inc.  
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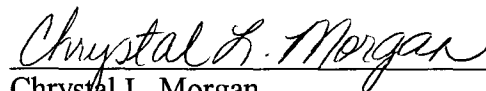
IDS Telcom Corp.  
Corporation Service Co  
5000 Thurmond Mall Blvd.  
Columbia SC 29201

LecStar Telecom, Inc.  
CT Corporation System  
75 Beattie Place  
Two Insignia Financial Plaza  
Greenville SC 29601

Lightyear Network Solutions,  
LLC  
CT Corporation System  
75 Beattie Place  
Two Insignia Financial Plaza  
Greenville SC 29601

Nextlink Wireless, Inc.  
Corporation Service Co  
5000 Thurmond Mall Blvd.  
Columbia SC 29201

NOW Communications  
National Registered Agents Inc.  
2 Office Park Ct., Suite 103  
Columbia SC 29223

  
\_\_\_\_\_  
Chrystal L. Morgan

November 21, 2007  
Columbia, South Carolina